IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1317 OF 2003

IN

SECOND APPEAL STAMP NO. 17543 OF 2001

Tarabai w/o. Dagdu Gaikwad ..Appellant

versus

Dada G. Kharat & ors. ..Respondents

Mr. L. S. Gaikwad for the Appellant.

Mr. G. N. Salunke for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 25TH AUGUST, 2005

P.C. :

1. Heard advocate for the appellant and the respondents.

2. This is an appeal filed in 2001. Application for condonation of delay is dated 25.6.2001. It is against the decree passed in the year 16.1.1974. There is delay of 27 years and this is a Second Appeal. Suit was of 1971. The appeal was preferred against the judgment of the trial court vide Appeal No. 40 of 1974 before the

District Judge, Satara. She appointed Advocate Palkar. She had tried to give explanation for the delay of 25 years according to her but 27 years as per the record. She has contended that in 1975 she delivered male child, her husband got bed ridden in 1974. She had to work hard in the agricultural land. Her husband died in 1981. Then for the first time she could go to her Advocate in 2001 in Satara, to make enquiries. Then she learnt that her Advocate had died 10-12 years back and therefore for the first time in January, 2001 she came to know that the appeal is allowed by Judgment dated 4.9.1976. 25 years is too long a period to explain and the explanation is not at all satisfactory. There are no grounds to condone the delay. Hence Application is dismissed.

25.8.2005 (D.G. DESHPANDE, J.)